

## REMARKS

This Response is submitted in reply to the non-final Office Action mailed on April 30, 2008. The Commissioner is hereby authorized to charge any fees that may be required or credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112701-598 on the account statement.

Claims 1 to 13 are pending in the application. Claims 1 to 9, 12 and 13 were withdrawn previously. Claims 10 and 11 are rejected under 35 U.S.C. §112, first and second paragraphs, 35 U.S.C. §102(e) and 35 U.S.C. §102(b). In response, Applicants have amended Claims 10 and 11. These amendments do not add new matter and are supported in the specification (Preliminary Amendment of March 8, 2005) at page 5, lines 17 to 19 and page 6, lines 10 to 17. In view of these amendments and at least for the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn.

In the Office Action, Claims 10 and 11 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action asserts that the specification does not provide a reasonably representative disclosure of useful "molecules that stimulates energy of the cell," a potentially huge genus inclusive of many different compounds having widely divergent structures and functions. See, Office Action, page 4, lines 14 to 17. In response, Applicants have amended both Claims 10 and 11 to recite specific molecules that stimulate energy of the cell, which include, for example, L-carnitine, creatine, fatty acids (monounsaturated and polyunsaturated), cardiolipin, nicotinamide, carbohydrate and natural sources thereof. These amendments are supported in the specification. See, Preliminary Amendment, page 6, lines 15 to 17.

In the Office Action, Claims 10 and 11 are rejected under 35 U.S.C. §112, first paragraph, as failing to provide sufficient enablement for prevention of age related alterations in the skin. In response, Applicants have amended Claims 10 and 11, per Examiner's recommendation (see, Office Action, page 8, lines 1 to 4), to remove the terms "preventing" and "prevent" from the pending claims.

Applicants respectfully submit that the amended Claims 10 and 11 meet the written description and enablement requirements of 35 U.S.C. §112, first paragraph. Therefore, Applicants respectfully request that these rejections be withdrawn.

In the Office Action, Claims 10 and 11 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2002/0098253 to Riley et al. ("*Riley*"). The Office Action asserts that *Riley* teaches a method for treating or alleviating age-related damage to the skin comprising an oral composition including an antioxidant (Sacred Lotus, which contains vitamin C), the composition used alone or to enhance other ingredients. See, Office Action, page 8, line 10 to page 9, line 2.

Applicants respectfully submit that *Riley* fails to disclose or suggest administering a composition comprising at least one of a molecule that stimulates energy metabolism of the cell selected from the group consisting of L-carnitine, creatine, fatty acids (monounsaturated and polyunsaturated), cardiolipin, nicotinamide, carbohydrate and natural sources thereof and an antioxidant as required, in part, by amended Claims 10 and 11. Rather than teach both an antioxidant and at least one of a molecule that stimulates energy metabolism of the cell, *Riley* arguably teaches use of only an antioxidant in an oral composition. The Office Action admits the same. See, Office Action, page 8, line 10 to page 9, line 2.

In the Office Action, Claims 10 and 11 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,839,159 to Winter et al. ("*Winter*"). The Office Action asserts that *Winter* teaches carnitine that can be used to improve skin quality or treat age-related skin alterations. See, Office Action, page 9, lines 8 to 13. Applicants respectfully submit that *Winter's* use of carnitine is immaterial because *Winter* still fails to disclose or suggest administering a composition comprising at least one of a molecule that stimulates energy metabolism of the cell and an antioxidant as required, in part, by amended Claims 10 and 11. Instead, *Winter* teaches use of only a molecule that stimulates energy metabolism of a cell. The Office Action admits the same. See, Office Action, page 9, lines 8 to 13.

Moreover, *Winter* fails to disclose or suggest administering a composition comprising at least one of a molecule that stimulates energy metabolism of the cell and an antioxidant so as to stimulate production and deposition in skin of glycosaminoglycans to improve skin turgor as required, in part, by amended Claims 10 and 11. Instead, *Winter* teaches treatment of dry, scarred, peeling or wrinkled skin. See, *Winter*, column 2, lines 33 to 35. The Office Action admits the same. See, Office Action, page 9. Applicants have surprisingly found that the combination of molecules that stimulate energy metabolism and antioxidants can stimulate

production and deposition in skin of glycosaminoglycans (GAG), thus improving skin turgor. Increased GAG content provides increased potency for binding large quantities of interstitial fluid, improving interstitial hydration, and reverting signs of ageing. See, specification page 5, lines 17 to 19 and page 13, lines 6 to 11.

Therefore, Applicants submit that *Riley* and *Winter* are deficient with respect to the present claims. Accordingly, Applicants respectfully request that the anticipation rejections be withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

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